

AO450 - Judgment in a Civil Case

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

**Avondale Mills, Inc. and
Factory Mutual Insurance Company**

JUDGMENT IN A CIVIL CASE

VS.

Case Number: **1:05-2817-MBS**

**Norfolk Southern Corporation and
Norfolk Southern Railway Company**

[X] Decision by Court. This action came to hearing before the Court, the Honorable Margaret B. Seymour, United States District Judge, presiding. The Court having granted the defendants', Norfolk Southern Corporation and Norfolk Southern Railway Company, motions for partial summary judgment,

IT IS ORDERED AND ADJUDGED that summary judgment is hereby entered for the defendants, Norfolk Southern Corporation and Norfolk Southern Railway Company, as to the second and third causes of action of the amended complaint for nuisance and trespass and they are dismissed with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that summary judgment is hereby entered for the defendants, Norfolk Southern Corporation and Norfolk Southern Railway Company, on the negligent retention claims, negligent training claims, and negligent supervision claims; method of operation claims and remedial action claims; and the claims for workers' compensation payments as "consequential damages." The plaintiffs shall take nothing on these claims and they are dismissed with prejudice.

LARRY W. PROPES, Clerk

By s/Mary E. Deal,
Deputy Clerk

April 9, 2008